

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of:)
)
MARK PLAIA, ET AL.) Docket: 5770.CD2C.2
)
Serial No.:) Art Unit:
)
Filed: August 24, 2001) Examiner:
(Via Express Mail))
)
Parent Serial No.: 09/522,461)
)
Parent Filing Date: March 9, 2000)
)
For: ANTI-STENOTIC METHOD AND)
PRODUCT FOR OCCLUDED AND)
PARTIALLY OCCLUDED ARTERIES)

#2

TRANSMISSION OF RELATED ART/INFORMATION DISCLOSURE
STATEMENTS FROM THE PARENT APPLICATION

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Transmitted herewith for consideration by the United States Patent and Trademark Office is a copy of each of the Related Art/Information Disclosure Statements and the forms PTO-892 of record in parent U.S. Patent Application, Serial No. 09/522,461 filed March 9, 2000.

Respectfully submitted,

Lynn G. Foster
Attorney for Applicants

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Telephone: (801) 364-5633
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
MARK PLAIA et al.)
Serial No.: 08/073,002)
Filed: June 7, 1993)
For: ANTI-STENOTIC METHOD AND)
PRODUCT FOR OCCLUDED AND)
PARTIALLY OCCLUDED)
ARTERIES)

Docket: 5770

Art Unit:

Examiner:



SUPPLEMENTAL RELATED ART/INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

The Applicants and the undersigned incorporate by reference the content of the earlier filed RELATED ART/INFORMATION DISCLOSURE STATEMENT.

Since filing the above-mentioned RELATED ART/INFORMATION DISCLOSURE STATEMENT, the Applicants have become aware of the patents identified on the attached PTO-1449 forms.

The Applicants and the undersigned consider the subject matter of the patents cited on the attached PTO-1449 forms as being of general interest to the above-identified patent application, but

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D. C. 20231, on 10-15-93

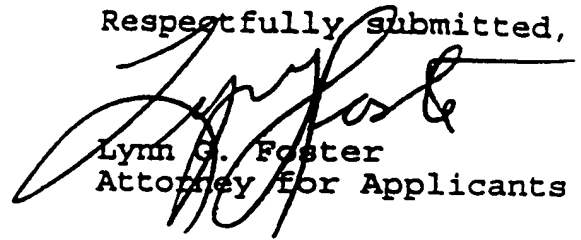
LYNN G. FOSTER

Signature

10-15-93

request that the Examiner make his or her own independent determination.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Lynn G. Foster", is written over the typed name and title.

Lynn G. Foster
Attorney for Applicants

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

MARK PLAIA, ET AL.

Serial No.: 08/548,569

Filed: October 26, 1995

For: ANTI-STENOTIC METHOD AND
PRODUCT FOR OCCLUDED AND
PARTIALLY OCCLUDED ARTERIES

Docket: 5770.C

Probable
Art Unit: 3308

Examiner: ROBERT A. CLARKE

JC542 U.S. PTO
09/938882



**SECOND SUPPLEMENTAL RELATED
ART/INFORMATION DISCLOSURE STATEMENT**

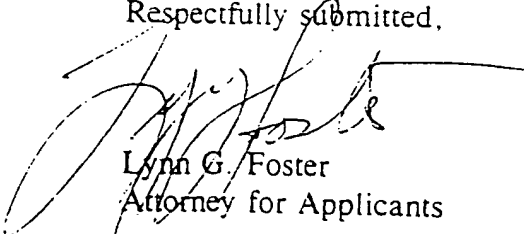
Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants were recently informed by the United States Patent and Trademark Office of the existence of Russian Federation Patents SU 1482714 A2 and SU 1318235 A1, copies enclosed. Applicants believe these two patents to be of general interest only. The Examiner is asked to make his or her independent evaluation as to the relevance of SU 1482714 A2 and SU 1318235 A1.

Please charge any fee associated with the submission of SU 1482714 A2 and SU 1318235 A1 to Deposit Account 06-1620 of the undersigned.

Respectfully submitted,


Lynn G. Foster
Attorney for Applicants

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Salt Lake City, Utah 84102
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1097EVP5770C.SSR:AS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on September 29, 1997.


Lynn G. Foster

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

MARK PLAIA et al.

Serial No.: 08/073,002

Filed: June 7, 1993

For: ANTI-STENOTIC METHOD AND
PRODUCT FOR OCCLUDED AND
PARTIALLY OCCLUDED
ARTERIES

Docket: 5770

Art Unit:

Examiner:



RELATED ART/INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Attached are PTO-1449 forms consisting of the current Related Art/Information Disclosure Statement form utilized by the United States Patent Office. The Applicants do not believe that the indicated related art is particularly germane and certainly such does not anticipate or make obvious the invention of the above-identified application.

To the best of the recollection of the Applicants and the undersigned, none is aware of any further patent or publication which might be deemed relevant.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D. C. 20231,
on 7-8-93

LYNN G. FOSTER

Signature

7-8-93

Furthermore, it should also be made of record that no exhaustive effort has been undertaken to locate, either on the part of the Applicants or the undersigned, any patent or publication which might in the past have been familiar to the Applicants or the undersigned and which may be contained in the files and/or among records concerning which neither the Applicants nor the undersigned has present recollection.

Restated, so far as the undersigned and the Applicants are able to presently recall, neither is aware of any related art patents or publications believed to be germane in any way to the above-identified application other than the patents mentioned below and only some of said patents are of limited relevance while others are of general interest only.

In respect to U.S. 4,787,899 and 5,104,399, the invention mandates, without exception, the use of staples. There is no vessel preparation required.

Diseases of vessels can in general be divided into two types, aneurysmal disease, where the disease causes the vessel to distend and become enlarged, and occlusive disease, where the vessel becomes blocked. U.S. 4,787,899 and 5,104,399 are really limited to the treatment of aneurysmal disease, whereas the present invention has utility to treat aneurysmal or occlusive disease.

The present invention is not limited to any one specific type or configuration of graft, but is usable with a variety of grafts. The invention of U.S. 4,787,899 and 5,104,399 requires the

use of a particular, specialized graft which incorporates the staples.

U.S. 4,787,899 places the graft into the desired position in the vessel by pushing the proximal end of the graft thereby allegedly advancing it through a surrounding member. The present invention does not push on the proximal end of the graft but rather the distal end of the graft is grasped and pulled into position by advancing the grasping member.

U.S. 4,732,152 and 4,848,343 (Wallsten et al.) requires the use of a radially contracted or radially expandable prosthesis. Wallsten's double-walled device is formed by "folding one end of said hose inside itself", and this folding is crucial to the operation of the device.

U.S. 4,681,110 (Witkor et al.) is required to be a self-expanding specialized artery liner. A closed end insertion catheter is used.

U.S. 4,763,653 (Rockey et al.) deals with treatment of vessel ruptures, such as aneurysms. A ring-shaped inflator balloon bonded to a sleeve is used.

U.S. 4,922,905 (Strecker et al.) mounts the endoprosthesis fixed to the catheter balloon section. Stecker's endoprosthesis is provided and inserted collapsed and needs to be radially expanded for use. The only graft material proposed by Strecker is a knitted, crocheted, or woven construction, optionally covered or coated with a liquid impermeable layer.

U.S. 5,078,726 (Kreamer) only treats aneurysmal disease, not occlusive disease. The only method of attaching the device to the artery comprises a stent, used optionally with external ties around the vessel.

U.S. 5,089,006 (Stiles) requires use of magnetic material for an artery liner. The insertion catheter in Stiles uses electromagnets to deploy the device. A closed end insertion catheter is used.

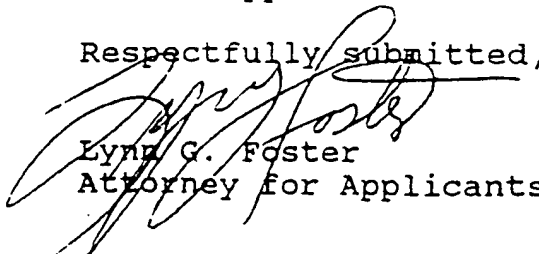
U.S. 5,122,154 (Rhodes) requires the use of a plurality of expandable link stents which are mounted to the graft.

U.S. 5,213,580 discloses a dissolvable lining for an artery.

All PTO 1449 citations not specifically discussed above are deemed by the Applicants to be of general interest only.

While the Applicants and undersigned attorney have presented their understanding and reasonable interpretation of the PTO-1449 patents and prior practices in the art, it is respectfully requested the Examiner make his own independent review to determine for himself the extent to which he deems the prior practices and enclosed patents to be relevant, if at all, to the presently claimed invention of the above-identified application.

Respectfully submitted,


Lynn G. Foster
Attorney for Applicants

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Salt Lake City, Utah 84102
Telephone: (801) 364-5633
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

MARK PLAIA, et al.

Serial No.: 08/548,569

Filed: October 26, 1995

For: ANTI-STENOTIC METHOD AND
PRODUCT FOR OCCLUDED AND
PARTIALLY OCCLUDED ARTERIES

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) Docket: 5770.C
)
) Probable
) Art Unit: 3308
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) Probable
) Examiner: R. CLARKE
)



SUPPLEMENTAL RELATED
ART/INFORMATION DISCLOSURE STATEMENT

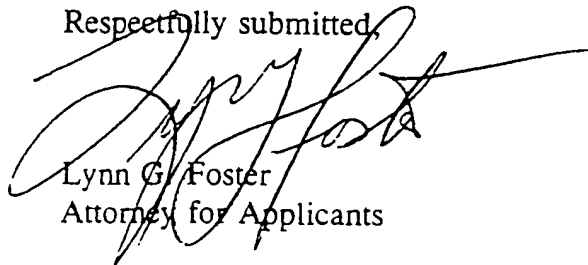
Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicants recently discovered the existence of U.S. 5,234,451, copy enclosed, which the Applicants believe to be of general interest only. The Examiner is asked to make his or her independent evaluation as to the relevance of U.S. 5,234,451.

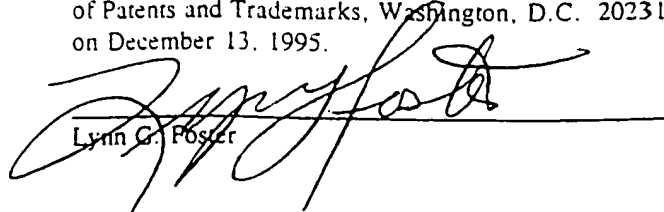
Please charge any fee associated with the submission of U.S. 5,234,451 to Deposit Account 06-1620 of the undersigned.

Respectfully submitted,


Lynn G. Foster
Attorney for Applicants

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Salt Lake City, Utah 84102
Telephone: (801) 364-5633
EVI5770C.SRA

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on December 13, 1995.


Lynn G. Foster

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

MARK PLAIA, et al.

Serial No.: 08/548,569

Filed: October 26, 1995

For: ANTI-STENOTIC METHOD AND
PRODUCT FOR OCCLUDED AND
PARTIALLY OCCLUDED ARTERIES

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) Docket: 5770.C
)
) Probable
) Art Unit: 3308
)
) Probable
) Examiner: R. CLARKE
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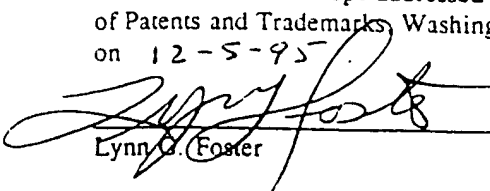
RELATED ART/INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

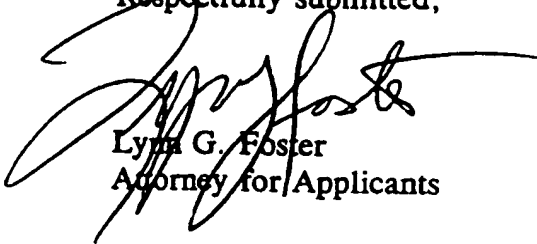
The patents identified on the attached PTO-1449 form recently came to the attention of the Applicant in a related United States patent application. They are disclosed to the Examiner so that he or she may make an independent evaluation as to the relevance, if any, of the identified related art patents.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 12-5-95


Lynn G. Foster

In the event this submission precipitates a fee, the United States Patent and Trademark Office is authorized to charge the fee to Deposit Account 06-1620 of the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lynn G. Foster", is written over the typed name and title.

Lynn G. Foster
Attorney for Applicants

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Salt Lake City, Utah 84102
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EVL5770C.RAS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

MARK PLAIA et al.

Serial No.: 08/073,002

Filed: June 7, 1992

For: ANTI-STENOTIC METHOD AND
PRODUCT FOR OCCLUDED AND
PARTIALLY OCCLUDED
ARTERIES

Docket: 5770

Art Unit: 3308

Examiner: D. NGUYEN



FURTHER RELATED ART/INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

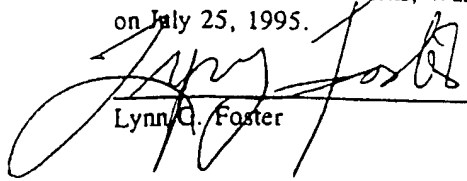
Transmitted herewith are the patents listed on the attached PTO 1449 form, which were just recently brought to the attention of the undersigned. The applicant believes the patents enclosed are of general interest.

Respectfully submitted,


Lynn G. Foster
Attorney for Applicants

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on July 25, 1995.


Lynn G. Foster

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

MARK PLAIA, ET AL.

Serial No.: 08/548,569

Filed: October 26, 1995

For: ANTI-STENOTIC METHOD AND
PRODUCT FOR OCCLUDED
AND PARTIALLY OCCLUDED ARTERIES

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) Docket: 5770.C

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) Probable
) Art Unit: 3308

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) Probable
) Examiner: R. CLARKE



SUPPLEMENTAL SUBMISSION OF
RELATED ART/INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

By this document, the Applicants bring to the attention of the United States Patent and Trademark Office the patents set forth on the attached PTO-1449 Form. While the Applicants believe the PTO-1449 patents to be no more than of general interest, the Examiner is requested to consider the patents and make his or her independent evaluation.

Any charge incurred by reason of this submission should be charged to Deposit Account 06-1620 of the undersigned.

Respectfully submitted,

Lynn G. Foster
Attorney for Applicants

602 East 300 South
Salt Lake City, Utah 84102
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EVI5770C .SSRA

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on December 26, 1995.

Lynn G. Foster